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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/463,598	01/27/2000	MARTIN STARZMANN	GP7287US	6529

7590 12/19/2002

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EXAMINER

HAMLIN, DERRICK G

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 12/19/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/463,598

Applicant(s)

STARZMANN, MARTIN

Examiner

Derrick G. Hamlin

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-- **Th MAILING DATE f this communication appears on th cov r sheet with th corr spondence addr ss --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1 DETAILED ACTION

Request for Continued Examination

The request filed on 12/2/2002 for a Request Continued for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/463,598 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (5,242,621) is maintained for the following reasons.

Miller discloses a corrosion inhibitors containing alkanoic, hydrocarbyl dicarboxylic and carbocyclic-substituted, alkanoic acids or salts give high performance, heat transfer fluids and antifreezes, with improved properties including storage stability. (abstract) The reference teaches that the cyclohexane acid includes cyclohexyl carboxylic (formic) acid, cyclohexyl acetic acid and cyclohexyl propionic acid. And if desired, can be included in the antifreeze or heat transfer compositions (col. 1, lines 40-42). These materials include, among others, one or mixtures of the following: additional corrosion inhibitors including other carboxylic acids or salts, borates like sodium tetraborate and sodium borate, i.e. borax, silicates like sodium silicate and sodium metasilicate pentahydrate, benzoates like sodium benzoate, nitrates like sodium nitrate,

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nitrites like sodium nitrite, phosphates, carbonates like sodium carbonate, molybdates, hydrocarbyl thiazoles, hydrocarbyltriazoles, such as tolyltriazole or benzotriazole, and the like; stabilizers such as organosilanes and the like; pH adjusters, such as sodium hydroxide and the like; hard water stabilizers; antifoam agents; or other materials useful in antifreeze or heat transfer fluids. (col. 3, line 63 – col. 4, line 9)

Although no examples of a coolant containing all of the instantly claimed components are disclosed, the reference does generally teach that all the components may be used.

The applicant admits that the reference does not require glycol be used and that the reference states that “other freezing point depressants” may be used. However, the applicant argues that only glycols would be obvious to the skilled artisan and at the same time argues that one skilled in the art would not interpret the reference to mean anything other than glycols in spite of its teaching of “other freezing point depressants”.

The examiner disagrees and takes the position that a skilled artisan would interpret “other freezing point depressants” to mean freezing point depressants other than glycol.

Therefore it would have been obvious to create the instantly claimed heating or cooling in view of Miller, as the references teaches the use of a corrosion inhibitor which may contain a hydrocarbyl dicarboxylic, carbocyclic-substituted, alkanolic acids, other carboxylic acids or salts, triazoles or other materials useful in antifreeze or heat transfer fluids.

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Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (5,242,621) as applied to claims 1-14 above, and further in view of Back et al (4689165) or Kardos et al (4,689,165).

Although the primary reference teaches that "other freezing point depressants" may be used, it does not teach specific examples. The secondary reference, Back, discloses a freezing point depressant free of glycol (col. 4, line 33-37). Kardos discloses a glycol free anti-freeze liquid (col. 4, line 35-49).


Therefore it would have been obvious to create the instantly claimed heating or cooling in view of Miller and further in view of Back or Kardos, as the teaches the use of a corrosion inhibitor which may contain a hydrocarbyl dicarboxylic, carbocyclic-substituted, alkanolic acids, other carboxylic acids or salts, triazoles or other materials useful in glycol free antifreeze or freezing point depressant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (703) 305-0590. The examiner can normally be reached on Monday-Thursday and alternating Fridays from 7:30 AM - 4:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 305-3600.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Derrick G. Hamlin



NECHOLUS OGDEN
PRIMARY EXAMINER